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HERRING REGULATIONS 1984

The Executive of the Commodity Board for Fish and Fish Products, with regard to artt. 93 and 95 of the Industrial Organisation Act (Wet op de Bedrijfsorganisatie), has established the following regulations on 25 May 1984.

UNEDITED TRANSLATION
For information only
TRADUCTION NON REVISEE
Information seulement

Article 1.

1. The terminology in these regulations is to be taken as follows:

Commodity Board: the Commodity Board for Fish and Fish Products;

chairman: the chairman of the Commodity Board;

executive: the executive of the Commodity Board;

supplier: an entrepreneur bringing in herring;

herring: Clupea Harengus L., whether processed or not, and/or parts of herring, including milt and roe;

heavily salted herring: herring which has been salted at sea in the barrel and the salt content of the brine of which at any spot in the barrel is at least 20° Baumé;

lightly salted herring: herring which has been salted at sea in the barrel and the salt content of the brine of which at any spot in the barrel is at most 20° Baumé;

herring deepfrozen at sea: herring which has been deepfrozen at sea aboard a ship;

fresh herring: herring which has not been heavily or lightly salted, or deepfrozen;

consumers: consumers, restauranteurs and other wholesale users;

processing: gutting, salting, preserving, smoking, steaming;

herring advisory commission: the commission established by the executive, whose task it is, either upon request or on its own, to advise the chairman in matters concerning these regulations;

TNO: Institute for Fisheries Products T.N.O. (= Applied Natural Sciences Research Organisation; Trnsltr.) in IJmuiden;

Commodity Board agent: the agent of the Commodity Board, placed in charge by the chairman of inspecting the herring, among other things;

A.I.D.: General Inspection Service of the Neth. Department of Agriculture and Fisheries (hereinbelow: GIS; Trnsltr.);

2. For implementation of these regulations, supply with a vessel is deemed to take place at the moment at which the vessel has established a connection with the shore.

3. Supplying, importing, transporting, moving over (into), storing, processing, keeping an administration of, offering for sale, selling, delivering, also include having those actions carried out.

Article 2.

1. An entrepreneur is prohibited from offering for sale, selling or delivering to consumers, retailers or entrepreneurs carrying out ambulant trading in fish or fish products, herring which does not meet the requirements set in or pursuant to these regulations.

2. A retailer in fish and fish products, or an entrepreneur carrying out ambulant trading in fish and fish products, is prohibited from having in stock herring in which there are live nematodes, and from offering for sale, selling or delivering to consumers herring in which there are live nematodes.

On supplying, importing and transporting

Article 3.

1. An entrepreneur is required to supply, import or transport herring observing the stipulations set in or pursuant to these regulations.

2. An entrepreneur is required, undiminished stipulations in other regulations, to report the supplying or importing of herring to the Commodity Board agent.

3. An entrepreneur is prohibited from acting contrary to what is stipulated in the preceding paragraphs of this article.

On the processing

Article 4.

1. An entrepreneur is prohibited from processing herring if the entrepreneur is not in possession of a permit issued by the chairman for that purpose.

2. An entrepreneur is prohibited from processing herring other than while observing the stipulations set in or pursuant to these regulations.

3. Conditions and limitations can be attached to the permit.

4. The chairman can cancel a permit if the conditions set in or pursuant to these regulations, or the conditions embodied in the permit, are not adhered to.

On heavily salted herring

Article 5.

An entrepreneur is prohibited from supplying or importing heavily salted herring other than in barrels.

Article 6.

If during inspection upon supplying or importing it is determined by the Commodity Board Agent that the salt content at any spot in the barrel is less than 20° Baumé, the herring shall be considered lightly salted herring.

Article 7.

An entrepreneur is prohibited from offering for sale, selling or delivering herring such as referred to in the preceding article as heavily salted herring.

Article 8.

1. The moving over before storage of heavily salted herring into a barrel other than the one in which the herring was supplied or imported is permitted only:

a. after the herring, after supplying or importing, has been approved by the Commodity Board agent as heavily salted herring, or

b. under the supervision of the Commodity Board agent.

2. An entrepreneur is prohibited from acting contrary to what is stipulated in paragraph 1 of this article.

Article 9.

1. On shore, heavily salted herring supplied or imported in the period beginning on the opening date set by the chairman of the "maatjes"-herring fishing season, and ending on 1 September of that year, shall be stored without interruption:

a. for 10 times 24 hours counting from the date of supplying or importing
b. in a space situated in The Netherlands,
c. access to which, in the opinion of the authority placed in charge of inspection, can be sufficiently closed off, at a temperature not lower than 0°C.

2. After the storage period as referred to in the preceding paragraph of this article, the entrepreneur shall see to it that the herring is again inspected by the Commodity Board agent before it leaves the space referred to in the first paragraph of this article.

3. The entrepreneur is required to keep an in stock administration of the stored barrels of heavily salted herring.

4. An entrepreneur is prohibited from acting contrary to what is stipulated in the preceding paragraphs of this article.

Article 10.

1. Herring which after 1 September of any year has been supplied or imported as heavily salted herring, is allowed to be used immediately after supplying or importing for the preparation of consumer products if this herring, in the opinion of the Commodity Board agent, is sufficiently salted through.

2. If the herring, in the opinion of the Commodity Board agent, is not sufficiently salted through, it shall be stored for 10 times 24 hours in the manner as referred to in the preceding article.
3. An entrepreneur is prohibited from acting contrary to what is stipulated in paragraph 2 of this article.

Article 11.

An entrepreneur is prohibited from using heavily salted herring which:
a. has not been approved after storage of at least 10 times 24 hours, or
b. upon inspection after supplying or importing, in the opinion of the Commodity Board agent, is not sufficiently salted through, for the preparation of consumer products.

Article 12.

1. An entrepreneur is required to see to it that the barrels of heavily salted herring are overviewably stored in the storage space. The Commodity Board agent and/or the GIS has to be able to check, e.g. on the basis of the in stock administration or via an indication on the outside of the barrels, when the period of minimum 10 times 24 hours has started.
2. An entrepreneur is prohibited from acting contrary to what is stipulated in paragraph 1 of this article.

Article 13.

1. Upon the first request by the Commodity Board agent or the GIS, an entrepreneur is required to indicate the location of the storage space as well as the spot where the barrels to be inspected are stored in the storage space.

2. An entrepreneur is rquired to give the Commodity Board agent and/or the GIS all the further information they require to properly carry out their task.

3. An entrepreneur is required to give the Commodity Board agent and/or the GIS the opportunity to carry out their task properly.

4. An entrepreneur is prohibited from acting contrary to what is stipulated in the preceding paragraphs of this article.

Article 14.

1. Additional pickling or additional salting by an entrepreneur during the storage period is permitted, provided that:

a. this happens under the supervision of the Commodity Board agent, and

b. this additional salting or additional pickling happens at the latest 4 times 24 hours before the inspection at the end of the storage period occurs.

2. An entrepreneur is prohibited from acting contrary to what is stipulated in part 1 of this article.

L i g h t l y s a l t e d h e r r i n g / c r a n s

Article 15.

An entrepreneur is prohibited from supplying or importing lightly salted herring other than in barrels.

Article 16.

An entrepreneur is required to have removed lightly salted herring within 18 hours after importing, unloading or purchasing it at auction, to a recognised freezing establishment.

Article 17.

An entrepreneur is prohibited from transporting lightly salted herring to a recognised freezing establishment if the entrepreneur has not obtained permission for this from the Commodity Board agent.

Article 18.

An entrepreneur is required to see to it that each shipment of lightly salted herring is accompanied by a waybill.

Article 19.

1. An entrepreneur is required, before the beginning of each transport, to have a waybill filled out and authenticated by the Commodity Board agent.
2. An entrepreneur is required to show the waybill upon the first request by the Commodity Board agent or the GIS.
3. An entrepreneur is prohibited from acting contrary to what is stipulated in the preceding paragraphs of this article.

Article 20.

Lightly salted herring is allowed to be deepfrozen only if this herring is situated in packaging units of at most 30 kg per packaging unit. An entrepreneur is prohibited from acting contrary to what is stipulated in the first full sentence of this article.

Article 21.

1. Lightly salted herring shall:

a. within 12 hours from the beginning of the freezing process in a freezing establishment recognised by the chairman, have reached a temperature of at most -20°C, and

b. remain stored for a 24-hour period at a temperature of at most -20°C.

2. An entrepreneur is prohibited from acting contrary to what is stipulated in part 1 of this article.

Article 22.

1. An entrepreneur shall keep an administration, which shows:

a. which quantities of herring have been acquired as raw material;

b. in what condition this raw material was acquired and at what moment;

c. in what way these quantities of herring have been processed;

d. where and in what way these quantities are stored and under which storage conditions;

e. in what way these quantities have been disposed of;

f. what the distinguishing marks are on the packaging in which these quantities of herring were removed to consumers, retailers, c.q. entrepreneurs carrying on ambulant trading in fish and fish products.

2. The chairman is authorised to set further rules, by implementation decree, which the administration referred to in part 1 of this article, has to meet.

3. An entrepreneur is prohibited from acting contrary to what is stipulated in part 1 of this article. He is further prohibited from acting contrary to what is stipulated in or pursuant to part 2 of this article.

F r e s h h e r r i n g

Article 23.

An entrepreneur is required to have removed fresh herring within 18 hours from supplying, importing, unloading c.q. purchase at auction, to a recognised freezing establishment.

~~Article 24.~~

Article 24.

Articles 17 to 22 incl. are of similar application to the entrepreneur processing fresh herring.

Article 25.

1. An entrepreneur in possession of a permit as referred to in art. 4, part 1 of these regulations, and who brings on, acquires, imports fresh herring to process it into full preserves, can obtain from the chairman an exemption from the requirement to deepfreeze, as referred to in article 21 of these regulations.

2. An entrepreneur in possession of a permit as referred to in article 4, part 1 of these regulations, and who smokes, heavily salts, steams or preserves fresh herring can obtain from the chairman an exemption from the requirement to deepfreeze, as referred to in article 21 of these regulations.

3. Fresh herring destined for export does not have to meet the requirements set in or pursuant to these regulations. This fresh herring destined for export shall be stored by an entrepreneur in such a manner that it cannot be confused with lots of fresh herring destined for the domestic market, or with lots which are to undergo, or have undergone, different processing.

4. An entrepreneur is prohibited from acting contrary to what is stipulated in the preceding part of this article.

P r o d u c i n g s m o k e d, s t e a m e d or preserved herring

Article 26.

1. An entrepreneur who uses, as a raw material for the production in his business of preserved herring, fresh herring which has not been

deepfrozen in accordance with the requirements set in these regulations, is required, undiminished what is stipulated in article 30 of these regulations, with regard to the production of preserved herring, to follow one of the procedures described in the following paragraphs. In parts 2, 3 and 4 these procedures have been respectively indicated as procedures A, B and C.

2. With regard to procedure A the following requirements apply:
a. the marinating process of the fresh herring which is being processed into preserved herring, shall occur without interruption in the same operating space in a pre-bath in a closed vessel;
b. before the beginning of the marinating process the vessel referred to sub a. shall be filled with fresh herring and liquid in such a manner that the layer height of the mixture of herring and liquid situated in the pre-bath is not higher than 55 cm;
c . after the passing of a period of 10 times 24 hours, to be counted from the beginning of the marinating process, the composition of the pre-bath shall be such that at any spot in the vessel the pH (degree of acidity) shall be at most 4.2, and the kitchen salt content at least 6.5%;
d. if the composition of the pre-bath, after the period referred to sub c, meets the requirements mentioned sub c, the marinating process is allowed to be:
1. either continued in the same pre-bath, in which case the process is not allowed to be terminated before, to be counted from the beginning of the process, at least 30 times 24 hours have passed;
2. or be terminated, in which case the herring, under the supervision of a person to be designated by the chairman, or after the permission of this latter person has been obtained, shall be taken out of the pre-bath and without delay, be removed from the space where the treatment of the

herring in the pre-bath has taken place, to a freezing establishment, to have the herring deepfrozen there in accordance with the requirements re deepfreezing of fresh herring set in the regulations;

e. if the composition of the pre-bath after the period referred to sub c does not meet the requirements mentioned sub c, the marinating process shall be terminated and the herring in the pre-bath shall be delivered without delay to a freezing establishment, to have the herring deepfrozen there in accordance with the requirements re deepfreezing of fresh herring set in the regulations. Otherwise, this herring shall be denatured or destroyed.

3. With regard to procedure B, the following requirements apply:

a. the marinating process of the fresh herring being processed into preserved herring shall occur without interruption in the same operating space in a pre-bath in a vessel which does not have to be closed;

b. before the beginning of the marinating process, the vessel referred to sub a. shall be filled with fresh herring and liquid in such a way, that after a period of 10 times 24 hours, without during this period any addition of herring or liquid having taken place, the composition of the pre-bath is such that at any spot in the vessel the pH (degree of acidity) is at most 4.4 and the kitchen salt content at least 3.5%;

c. if the composition of the pre-bath after the period referred to sub b. meets the requirements mentioned sub b., the marinating process is allowed to be:

1. either continued in the same pre-bath, in which case the process shall not be terminated before, to be counted from the beginning of the process, at least 70 times 24 hours have passed;
2. or be terminated, in which case, with regard to the herring, the same regulations apply as described in part 2 under d. sub 2.

d. if the composition of the pre-bath, after the period mentioned sub b, does not meet the requirements mentioned sub b., the same regulations apply as described in part 2 above, sub e.

4. If the procedure described sub A or B is not followed, as procedure C the preserved herring , after the end of the marinating process, shall still be deepfrozen in accordance with the requirements re deepfreezing set in the regulations with regard to fresh herring.

Article 27.

An entrepreneur who, as raw material for the production in his business of frying-marinades, here taken to mean herring which after having been baked by this entrepreneur is provided with a "consumption pour-on" (literal rendition; my quotes; Trnsltr.), uses fresh herring, which has not been deepfrozen in accordance with the requirements set in the regulations, is required in deviation insofar from what is stipulated in the preceding article, to see to it that the temperature of the baking oil immediately before the start of the baking process is at least 160°C.

Article 28.

An entrepreneur who, as raw material for the production in his business of smoked or steamed herring, uses fresh herring which has not been deepfrozen in accordance with the requirements in the regulations, is undiminished what is stipulated in article 30, required to see to it that

a. the temperature of the herring during the pre-drying-smoking process is at least 50°C, or that
b. if this temperature is not attained during the pre-drying-smoking process, the smoked or steamed herring is still deepfrozen after this process, in accordance with the deepfreeze requirements re fresh herring set in the regulations.

Article 29.

Articles 26 to 28 included of these regulations apply regardless of whether the fresh herring is salted or not by an entrepreneur, before making use of the herring as a raw material for the processing in his business.

Article 30.

1. An entrepreneur shall indicate, in his application for an exemption as referred to in article 25 of these regulations, whether the fresh herring is used by him as raw material for the production of marinated herring, or of smoked or steamed herring.

2. If the herring is used as raw material for making marinated herring, he shall also indicate in the application referred to sub 1. whether he will follow procedure A, B or C, as described sub 2 to 4 inclusive of article 26.

3. If the herring is used as raw material for making smoked or steamed herring, he shall also indicate which of the two procedures mentioned in article 28 of these regulations, sub a. and b., he will follow.

4. An entrepreneur is prohibited from following, when making marinated or smoked or steamed herring, (an)other procedure(s) than is (are) mentioned in the exemption granted him.

5. When extending an exemption, without this being preceded by an application, the indication referred to in parts 1, 2 and 3 remains in force until, at the request of the entrepreneur, (an)other procedure(s) than indicated by him thus far is or are mentioned on the exemption granted him.

Article 31.

With regard to the herring to be removed to a freezing establishment in the cases as mentioned in art. 26 part 2 sub d.,under 2, and in e., part 3, part 3, under c sub 2, and under d, part 4, and in article 28 sub b., what is stipulated in article 28 of these regulations isof similar application.

Administration regulations smokeries, steameries and marinateries

Article 32.

1. An entrepreneur practicing the processing of fish as a business in a smokery, steamery and/or marinatery and is in possession of an exemption as referred to in article 25 of the Herring Regulations 1984, is required to work into his administration the following data:

1. of each batch the name and address of the person from whom the herring was received, mentioning whether the herring was deepfrozen or not, as well as date and hour of its arrival at the business;
2. the net fish weight of each batch received as well as the units this batch was packaged in upon arrival at the business;
3. of each batch, date and time of starting as well as stopping the prescribed processing, with mention of the workspace in which this is taking place or has taken place resp.;
4. name and address of the freezing establishment where the herring was taken, with mention of the net fish weight per batch, as well as of date and time at which this was done in the cases, in which under the stipulations of these regulations re the proceduress mentioned the herring to be processed still has to be deepfrozen;
5. the name and address per batch of the person to whom, after the processing, the herring was delivered, mentioning the size of the batch per person receiving it.

2. What is stipulated in the preceding article sub 3 is of similar application with regard to the prescribed freezing process of smoked and/or steamed herring, for which an exemption as referred to in article 25 of these regulations was granted.

3. An entrepreneur is prohibited from acting contrary to what is stipulated in the preceding parts of this article.

Prohibition of the processing of herring by retailers and or the ambulant trade

Article 33.

An entrepreneur is prohibited from carrying on the retailing as well as ambulant trade in fish and fish products in the same spaces as those in which herring is processed.

H e r r i n g d e e p f r o z e n a t s e a

Article 34.

An entrepreneur is prohibited from supplying herring deepfrozen at sea in barrels.

Article 35.

Herring is allowed to be deepfrozen on board of vessels, provided that this is done in a deepfreezing establishment recognised by the chairman. An entrepreneur is prohibited from deepfreezing herring aboard a vessel, unless this is done in a deepfreezing establishment recognised by the chairman.

Article 36.

The entrepreneur shall see to it that the temperature of the herring deepfrozen at sea when inspected by the Commodity Board agent when being supplied shall be at most -20°C. (illegible written note; Trnsltr.)

Article 37.

1. If during inspection upon supply it is found that the deepfrozen herring has a temperature higher than -20°C, the entrepreneur is required to see to it that:

a. this herring, either on board or ashore, anew within 12 hours after the beginning of the freezing process is frozen at a temperature of at most -20°C, and

b. that this herring is stored for 24 hours at -20°C at most.

2. An entrepreneur is required to see to it that the herring, after having been deepfrozen as referred to in the preceding part in this article, is again inspected by the Commodity Board agent.

3. An entrepreneur is prohibited from offering for sale, selling, delivering or acquiring herring deepfrozen at sea, if what is stipulated in article 36 or article 37 of these regulations has not been met.

Article 38.

An entrepreneur who imports herring is exempted from what is stipulated in articles 5, 6, 8, 9 part 1, 10 part 1 and 11, 15, 16, 23 and 25 part 1 if in the country of export an inspection certificate has been issued by the competent authority, showing that the herring has undergone a treatment equivalent to what is stipulated in these regulations.

O f t h e f r y e r s

Article 39.

An entrepreneur is prohibited from making herring available to the skipper and to those aboard if such herring does not meet the requirements referred to in article 2 of these regulations.

Freezing establishments

Article 40.

Any operator of a freezing establishment, either ashore or aboard a vessel, can apply to the chairman to be recognised as a freezing establishment for the freezing of herring.

Article 41.

Before the chairman recognises a freezing establishment as referred to in the preceding article, he shall obtain the advice of T.N.O.

Article 42.

To qualify for recognition by the chairman, any freezing establishment ashore shall meet the following requirements:

a. be able to freeze a minimum of 2000 kg of herring per 24 hours;
b. have a minimum storage capacity of 10,000 kg;
c. have the lightly salted herring to be frozen reach a temperature of at most -20°C within 12 hours;
d. be able to store the frozen herring at a temperature of at most -20°C.
e. have self-recording thermometers to be able to record the temperature changes during freezing as well as during storage.

Article 43.

To qualify for recognition by the chairman, any freezing establishment aboard a vessel shall meet the following requirements:

a. be able to freeze a minimum of 2000 kg of herring per 24 hours;
b. have a minimum storage capacity of 10,000 kg;
c. have the lightly salted herring to be frozen reach a temperature of at most -20°C within 12 hours;
d. be able to store the frozen herring at a temperature of at most 20°C. (sic; Trnsltr.).

Of the administration of the recognised freezing establishments

Article 44.

An entrepreneur operating a recognised freezing establishment ashore is required to work the following data into his administration:

a. the description of each batch of herring to be deepfrozen, with mention of the charge/sequence number and of the packaging units at the time of beginning the deepfreezing process;

b. in cases where the batch of herring concerned is the property of a third party, the name and address of the business on whose orders the herring was or is being deepfrozen;

c. mention of whether before beginning the deepfreezing process re-packaging occurred in the freezing establishment or not; if yes, in what units the herring to be deepfrozen was packaged upon arrival at the freezing establishment;

d. the number of the tunnel in which the batch concerned is being deepfrozen;

e. the date and time of starting as well as stopping the prescribed freezing process of the batch concerned;

f. the number of the storage cell in which the deepfrozen herring is placed during the prescribed storage period;

g. date and time at which the deepfrozen herring leaves c.q. has left the freezing establishment.

S p e c i a l s t i p u l a t i o n s

Article 45.

The rules set in or pursuant to these regulations bind, in addition to the person running an enterprise for which the Commodity Board was established, also the persons working at these enterprises, as well as all

other natural or legal persons insofar as these other persons are carrying out actions which in business are commonly done in enterprises for which the Commodity Board was established.

Article 46.

Infractions of what is stipulated in or pursuant to these regulations are designated punishable acts.

On the herring advisory commission

Article 47.

1. The herring advisory commission shall consist of 11 members.
2. The Netherlands Fisheries Institute shall appoint 4 members.
3. The Federation of Organisations in the Field of Wholesale and Processing of Fish shall appoint 4 members.
4. The Federation of Organisations in the Field of Retailing Fish shall appoint 2 members.
5. The joint employee organisations shall appoint 1 member.
6. For each member, a substitute member shall be appointed.
7. Members and substitute members of the herring advisory commission are appointed for a period of 2 years and can be re-appointed immediately.
8. The herring advisory commission shall designate a person, from among its midst or from outside, who is placed in charge of leading the meeting of the herring advisory commission.
9. The secretariat of the herring advisory commission shall be at the Commodity Board.

Article 48.

1. The chairman is entrusted with implementation of these regulations.

2. He is authorised to issue further regulations, after first having heard the advisory commission.

3. The chairman is also authorised to grant exemptions and/or dispensations from what is stipulated in these regulations, after first having heard the herring advisory commission.

Article 49.

1. These regulations shall come into effect the day after publication in the Regulations Journal, Business Organisation (Vb.Bo; Trnsltr.);

2. These regulations can be quoted as Herring Regulations 1984.

3. As of the day these regulations enter into effect, the following regulations are withdrawn:

a. the Herring Regulations 1969;

b. the Implementation Decree Designation of Municipalities Herring Inspection 1972;

c. the Implementation Decree Further Herring Regulations 1969;

d. the Implementation decree Further Herring Regulations II 1969/1972;

e. the Implementation Decree Administrative regulations freezing establishments Herring Regulations 1969;

f. Implementation Decree Requirements re Production of smoked, steamed and/or marinated herring 1970;

g. Implementation Decree Administration regulations Smokeries, Steameries and Marinateries.

TH.M. HAZEKAMP
Chairman
D.J. LANGSTRAAT
Secretary

APPROVED (Vb.Bo. issue 23, dated 12 June 1984) by the Minister of State for Agriculture and Fisheries, also on behalf of the Minister of State for Economic Affairs, by decree of 30 May 1984, no. J 3236.

Vb.Bo. issue 22 of 4 June 1984, no. Vvp 13.

External Affairs Canada / Affaires extérieures Canada

TO/À	The Under Secretary of State for External Affairs TAF
FROM/DE	Canadian Embassy The Hague
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Security/Sécurité	UNCLASSIFIEID
Accession/Référence	
File/Dossier	030
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ENCLOSURES / ANNEXES

DISTRIBUTION

Attached is a copy of the "Herring Regulations" provided to us by the Commodity Board for Fish and Fish Products. Unfortunately they only supply the regulations in the Dutch language.

The Embassy

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